

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CONTINENTAL D.I.A. DIAMOND
PRODUCTS, INC., a California corporation,

Plaintiff,

vs.

DONG YOUNG DIAMOND INDUSTRIAL
CO., LTD., a South Korean company,
DONGSOO LEE, an individual, and DOES 1-
10, inclusive,

Defendants.

AND RELATED COUNTERCLAIMS.

Case No. CV 08-2136 SI

**THIRD JOINT STIPULATION AND
[PROPOSED] ORDER FOR
MODIFICATION OF CASE
MANAGEMENT SCHEDULE AND
TRIAL DATE**

Judge: Honorable Susan Illston

Complaint Filed: April 24, 2008
Trial Date: April 19, 2010

STIPULATION

WHEREAS, Continental D.I.A. Diamond Products, Inc. (“Continental” or “Plaintiff”) and Defendants Dong Young Diamond Industrial Co., Ltd. and DongSoo Lee (collectively “Defendants”) continue to engage in settlement discussions, which respective counsel believe will lead to a final resolution of this matter;

WHEREAS, the parties have made additional progress in such settlement discussions and have taken steps to assure settlement once reached will be effected;

1 WHEREAS, the parties are diligently working to reach a settlement, however, given the
2 complicated nature of some of the intellectual property at issue and due to the continuing time-zone
3 and communication challenges faced by counsel for Defendants, the parties require additional time;

4 WHEREAS, counsel for the parties believe that an additional forty-five (45) day suspension
5 of applicable deadlines in this case will allow the parties and counsel to continue to devote their
6 attention and resources to a final resolution of this matter, and

7 WHEREAS, the agreed upon extension of the fact and expert discovery deadlines,
8 dispositive motion deadlines and the trial date is not for the purpose of delay, and the parties believe
9 that this reasonable extension of time may well obviate the need for trial in this matter, and is in the
10 interests of fairness and judicial economy.

11 ACCORDINGLY, the parties, by and through their undersigned counsel, HEREBY
12 STIPULATE as follows:

13 In order to avoid prejudicing the parties' discovery efforts and trial preparations, and to
14 allow the parties to focus on settlement negotiations, the parties agree and respectfully request that
15 the current pre-trial schedule be modified as follows:

16 1. The fact discovery cut-off, which is currently set for December 7, 2009, is extended
17 to January 21, 2010;

18 2. The deadline to designate experts, which is currently set for January 13, 2010, is
19 extended to March 1, 2010;

20 3. The deadline to designate rebuttal experts, which is currently set for February 8,
21 2010, is extended to March 25, 2010; and

22 4. The expert discovery cut-off, which is currently February 24, 2010, is extended to
23 April 12, 2010.

24 5. The dates for dispositive motions is extended for thirty days, to the following
25 schedule:

- 26 • Dispositive Motions Due: February 15, 2010
- 27 • Oppositions Due: February 25, 2010
- 28 • Replies Due: March 8, 2010

6. The hearing on dispositive motions, which is currently February 15, 2010, is reset for April ²~~1~~, 2010, or as soon thereafter as the Court's schedule permits.

7. The pretrial conference, which is currently April 6, 2010, is adjourned for forty-five ¹⁸~~17~~ days, to May 17, 2010 or as soon thereafter as the Court's schedule permits.

8. The trial date, which is currently April 19, 2010, is adjourned for forty-five days, to ~~May 31~~ ^{June 1}, 2010 or as soon thereafter as the Court's schedule permits.

9. All other deadlines are tolled for 45 days as of the date of this stipulation.

IT IS SO STIPULATED BY THE PARTIES.

Dated: November 2, 2009 MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO P.C.

/s/ Jeffrey M. Ratino
By: JEFFREY M. RATINOFF

Attorneys for Plaintiff/Counter-Defendant,
Continental D.I.A. Diamond Products, Inc.

Dated: November 2, 2009 PRETI FLAHERTY BELIVEAU & PACHIOS, LLP

/s/ Alfred C. Frawley
By: ALFRED C. FRAWLEY

Attorneys for Defendants/Counterclaimants,
Dong Young Diamond Industrial Co., Ltd., and DongSoo Lee

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:



THE HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT COURT JUDGE